

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q97391

Akio SUGIHARA, et al.

Appln. No.: 10/594,127

Group Art Unit: 1625

Confirmation No.: 8975

Examiner: Niloofar RAHMANI

Filed: September 25, 2006

For: COMPOSITION OF SOLIFENACIN OR SALT THEREOF FOR USE IN SOLID FORMULATION

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on September 9, 2010:

REMARKS

An Examiner's Interview Summary Record (PTO-413) has not yet been received.

The interview was initiated by the Examiner. Therefore, no further recordation by the Applicant is believed to be required.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None.
2. Identification of claims discussed: None.
3. Identification of art discussed: None.
4. Identification of principal proposed amendments: None.

5. Brief Identification of principal arguments: None.

6. Indication of other pertinent matters discussed: The Examiner requested application to provide a date for the following two references previously cited in Information Disclosure Statements:

- (1) the reference listed as NPL #6 on the PTO/SB/08 filed July 23, 2010, titled "Solifenacin Succinate: Crystallization Experiments" and
- (2) the reference listed as NPL #3 on the SB/08 form submitted with the IDS filed on December 10, 2008 titled "VESIcare", www.rxlist.com/vesicare-drug.htm".

7. Results of Interview: Applicants' representative explained that as far as Applicants are aware, the reference listed as NPL #6 on the PTO/SB/08 filed July 23, 2010, titled "Solifenacin Succinate: Crystallization Experiments" was published as of the mail date of the Third Party Observation in which it was cited on April 13, 2010 and the reference listed as NPL #3 on the SB/08 form submitted with the IDS filed on December 10, 2008 titled "VESIcare", www.rxlist.com/vesicare-drug.htm" has a date of 2005 indicated on the European Search Report in which it was cited.

Subsequently, upon further investigation with the European Patent Office, Applicants provide the following:

1) Internet web page cited by EPO as D3 ("Vesicare" 2005 - EPO coding XP-002500528)

The EPO Examiner explained that the document was found by him on the Internet in connection with his search when establishing the Supplementary European Search Report. He could not

provide any more detailed information other than that it was retrieved by him prior to October 21, 2008, i.e. the date of completion of the Search Report.

(2) Test report "SOLIFENACIN SUCCINATE: Crystallization experiments", cited as Document O3 in the third party observations received by the EPO on April 1, 2010 and sent to the Applicant with Communication dated April 13, 2010

In this case, the "Event History" obtainable via the EPO's "Register Plus" service seems to indicate that it was publicly available in the EPO online register no earlier than April 9, 2010 (see enclosed excerpt of the EPO online register for EP 1 728 791, i.e. the present EP application).

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

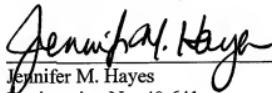
The Examiner is respectfully requested to acknowledge receipt of this Statement of Substance of Interview and the attachments enclosed herewith.

STATEMENT OF SUBSTANCE OF INTERVIEW
U.S. Application No.: 10/594,127

Attorney Docket No.: Q97391

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee and the Publication Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,


Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

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CUSTOMER NUMBER

Date: September 16, 2010

EP1726791

Event history		
14.05.2005	PCT data prior to European publication	
07.10.2005	PCT data prior to European publication	
12.10.2005	PCT data prior to European publication	
30.09.2006	PCT data prior to European publication	
03.10.2006	PCT data prior to European publication	
18.10.2006	PCT data prior to European publication	
03.11.2006	Publication in section I.1 EP Bulletin	published on 08.12.2006 [2006/49]
03.11.2006	Request for examination filed	published on 08.12.2006 [2006/49]
03.04.2007	New entry: Renewal fee paid	
01.06.2007	Change - extension states	published on 04.07.2007 [2007/27]
20.03.2008	New entry: Renewal fee paid	
27.06.2008	Change - representative	published on 30.07.2008 [2008/31]
13.11.2008	Supplementary search report	published on 10.12.2008 [2008/50]
06.04.2009	New entry: Renewal fee paid	
17.06.2009	New entry: Despatch of examination report + time limit	
29.10.2009	Change: Despatch of examination report + time limit	
27.11.2009	Change - divisional application(s)	published on 30.12.2009 [2009/53]
08.01.2010	New entry: Reply to examination report	
19.03.2010	New entry: Renewal fee paid	
09.04.2010	New entry: Observations by third parties	
23.07.2010	New entry: Observations by third parties	